

Expedited Procedure Under 37 CFR §1.116

Application No. 10/553,666

Paper Dated: August 30, 2010

In Reply to USPTO Correspondence of March 30, 2010

Attorney Docket No. 4623-053150

REMARKS

The final Office Action of March 30, 2010, has been reviewed and the Examiner's comments carefully considered. Claims 7, 8, 16, 17, and 25 have been amended by way of this Amendment, claims 1-6 and 10 being previously cancelled. Accordingly, claims 7-9 and 11-36 are currently pending in this application, and claims 7, 16, and 25 are in independent form. Support for the amendments made herein can be found in Figs. 1-11; page 3, line 3 to page 5, line 5 of the specification; and in original claims 1-6. Applicant respectfully submits that no new matter is being presented by way of this Amendment.

Claims 7-9 and 11-36 stand rejected under 35 U.S.C. §102(b) for anticipation by U.S. Patent No. 3,864,882 to Lasscock. In view of the following remarks, reconsideration and withdrawal of this rejection are respectfully requested.

Independent claims 7, 16, and 25 have been amended to further define the structure of the mounting device. In particular, these claims have been amended to further recite that the elongated body of the mounting device includes a generally U-shaped portion. The legs of the U-shaped portion are spaced apart so as to provide a recess therebetween for closely receiving part of the gutter with opposite surfaces of the gutter part being in facing relation with respective legs of the U-shaped portion.

Applicant respectfully submits that Lasscock does not teach or suggest all of the claimed limitations of independent claims 7, 16, and 25, as amended.

Lasscock teaches gutter suspension means comprised of a plurality of discrete clips (20) for attaching a gutter (35) to a fascia (10). Each clip (20) includes a front portion (21) having a plurality of tongues (22) arranged in staggered columns punched upwardly and rearwardly from the front portion (21) of the clip (20). Each clip (20) also includes a rearwardly extending portion (27) and a downwardly extending rear portion (28) that fit over the top of the fascia (10) so as to mount the clip (20) over the fascia (10). A recess is formed between the front

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portion (21) of the clip (20) and a front face panel (11) of the fascia (10) to receive a rear wall (36) of the gutter (35). The tongues (22) engage a longitudinally extending retention rib (37) on the rear wall (36) of the gutter (35), such that the gutter (35) can be snapped into place. Successive sections of gutter (35) can be snapped into position by progressively lower tongues (22) so as to give the gutters (35) a downward slope towards a water collection area. Please note Figs. 1 and 2; column 2, lines 46-53; and column 3, lines 1-51 of Lasscock.

A feature of the claimed invention is that the mounting device is adapted for front fixing to the building structure. Such an arrangement is illustrated in Fig. 2, where the mounting device (10) is fixed to a front surface of fascia/support (60). As such, the mounting device (10) can be fixed to any outward surface, irrespective of the thickness of the supporting structure. The gutter is mounted to the device by the geometry of the recess of the U-shaped elongated device body (for closely receiving part of the internal wall) and the retaining clips. Thus, the clips, in conjunction with the recess, provides a snug fit for securing the internal wall of the gutter to the mounting device, which in turn is attached to the building.

In contrast to the claimed invention, Lasscock teaches that the gutter clip (20) is a “hanger type” clip that locates *over* the fascia, and the gutter locates *between* the fascia and an inwardly facing surface of the gutter clip (20), as shown in Fig. 2 of Lasscock. As such, the clip (20) needs to be dimensioned to fit a specific fascia so that the resulting space in which the gutter is received is of appropriate size. Furthermore, installation of the clip (20) requires overhead clearance of the fascia (10) so that the clip can locate over the fascia and be fitted in position to receive the gutter. As a result of the way the clip (20) is fitted to the fascia, the spacing between the “legs” of the clip taught by Lasscock is greater than in the mounting device of the claimed invention and is not dimensioned to be arranged for “closely receiving” the gutter, as is claimed in independent claims 7, 16, and 25, as amended.

Amongst other advantages, the mounting device, according to the claimed invention, allows for fixing directly to the structure, whereas the product taught by Lasscock

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requires access, clearance, and a suitable configuration of the structure to enable hooking of the device over the fascia. Furthermore, the mounting device, as claimed, can be mounted on any outward supporting surface, as opposed to the purpose built fascia (10) taught by Lasscock, which requires specific predefined dimensions.

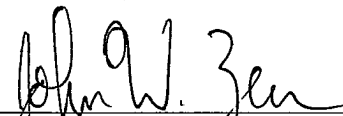
Applicant submits that independent claims 7, 16, and 25 are allowable for at least the foregoing reasons, as the prior art of record, including Lasscock, fails to teach or suggest all of the limitations of these claims.

Claims 8, 9, 11-15, 27, 30, and 31 are dependent upon and add further limitations to independent claim 7. Claims 17-24, 28, 32, 33, and 36 are dependent upon and add further limitations to independent claim 16. Claims 26, 29, 34, and 35 are dependent upon and add further limitations to independent claim 25. These claims are allowable for at least the same reasons discussed above in connection with claims 7, 16, and 25.

Based on the foregoing amendments and remarks, reconsideration of the rejections and allowance of pending claims 7-9 and 11-36 are respectfully requested.

Respectfully submitted,

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